IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 151 (MS) OF 2006

Phool Kumar,
S/o Lala Jagdish Prasad,
R/o House 247 Mohalla Purvi Deen Dayal Roorkee,
Pargana and Tehsil Roorkee,
District- Haridwar. .....Petitioner

Versus

1. Deputy Director Consolidation/Collection Haridwar.
2. Consolidation Officer Roorkee, District Haridwar.
3. Sri Surendra Kumar Gupta, S/o Lala Jagdish Prasad, R/o House No. 247 Mohalla Purvi Deen Dayal Roorkee, Pargana and Tehsil Roorkee, District Haridwar.

.....Respondents.

Dated 08.05.2006

Hon'ble Rajesh Tandon, J.

Heard Arvind Vashisth, Advocate for the petitioner and learned Standing Counsel for the respondents no. 1 and 2.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the proceedings under Section No. 9-A(2) of the U.P. Consolidation of Holdings Act, which are pending before the Consolidation Officer, Roorkee and are numbered as Case No. 471 U/s 9A(2) of Consolidation of Holdings Act Surendra Kumar Versus Krishna Kumar.

Briefly stated, petitioner filed his objections U/s 9-A(2) of the Consolidation of Holdings Act and was numbered as Case No. 471. The Consolidation Officer vide order dated 15.10.2003 dismissed the petitioner's objection. The ground taken by the

petitioner was that the objections U/s 9-A(2) are barred by provisions of Section 11-A of Consolidation of Holdings Act. The appeal was preferred against the said order and thereafter, a revision was preferred.

However, the matter has been remanded to the Consolidation Officer for deciding it on merits. The petitioner has only prayed that while deciding the objections afresh, the objections filed by the petitioner with regard to the objections of Section-11-A of the Consolidation of Holdings Act may also be taken.

Subject to the aforesaid observation, writ petition is dismissed and the Consolidation Officer while hearing the objections shall also taken into account the previous objections of Section 11-A of the Consolidation of Holdings Act.

No order as to costs.

(Rajesh Tandon, J.)

08.05.2006
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